

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Michael Bickley,)	
)	C/A No. 9:10-1715-MBS
Plaintiff,)	
)	
vs.)	ORDER
)	
Sargent Habersham, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff Michael Bickley, while a detainee at the Berkeley County Detention Center, proceeding *pro se*, attempted to sign onto a complaint filed by another detainee concerning prison conditions pursuant to 42 U.S.C. § 1983. By order dated July 2, 2010, this court directed the Clerk of Court to open a civil action in the plaintiff's name, which is this action, and the plaintiff was directed to submit the necessary information and paperwork to bring the case into proper form for evaluation and possible service of process. After the Clerk of Court mailed the July 2, 2010, order to Plaintiff at the Berkeley County Detention Center, the order was returned to the court as undeliverable mail and stamped "not here, return to sender, not deliverable as addressed, unable to forward." The Clerk of Court then determined that Plaintiff had been admitted to SCDC and re-mailed the order to Plaintiff at Kirkland Correctional Institution. Although the mail sent to Kirkland Correctional Institution was not returned to sender, the court determined that Plaintiff was, in fact, at the Wateree River Correctional Institution. Out of an abundance of caution, the Clerk of Court re-mailed the order to Plaintiff at the Wateree River Correctional Institution. The mail sent to Wateree River Correctional Institution was not returned to sender. Thus, it appears that Plaintiff received the order. Plaintiff was warned that failure to provide the necessary information within the timetable set

in the order would subject the case to dismissal. Plaintiff did not respond to the order and the time for response has lapsed. Plaintiff has failed to prosecute this case and has failed to comply with an order of this court. The case is dismissed pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash Railroad Company*, 370 U.S. 626 (1962). The complaint is **dismissed *without prejudice***.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

October 5, 2010

Columbia, South Carolina